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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,666	10/03/2003	Thomas Rumpf	RUMPF ET AL-3	9746
7590	06/19/2006		EXAMINER COMPTON, ERIC B	
Kurt Kelman COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,666	<b>Applicant(s)</b> RUMPF ET AL.	
	<b>Examiner</b> Eric B. Compton	<b>Art Unit</b> 3726	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Austria on Oct. 4, 2002. It is noted, however, that applicant has not filed a certified copy of the Austrian application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

2. Claims 3-4 are objected to because of the following informalities: in line 4, there should be a semi-colon (;) immediately after "comprising". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the processed bearing eye surface" in lines 5-6 (emphasis added). There is insufficient antecedent basis for this limitation in the claim. Although the limitation is preceded by the limitation "the bearing eye is processed," it does not necessarily state (or require that) the bearing eye surface is processed.

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Perhaps in lines 2 and 4, --surface-- should be inserted after “bearing eye” (both instances), in order to give proper antecedent basis and expressly state the bearing eye surface is processed.

Claim 2 recites “the bearing eye surface is processed for a precise fit after the divided bearing is assembled and is then galvanically coated with the anti-friction coating, before the anti-friction coating is divided in accordance with the division of the bearing eye through a fracture separation.” (emphasis added). This claim language is ambiguous, since it is confusion as to whether the coating is applied before of after the fracture separation.

Claims 3-4 recite the limitation “... a workpiece (1) having at least one bearing eye (2), on whose circular cylindrical bearing eye surface (3), an anti-friction coating (4) is deposited, which forms a running surface deviating from a circular cylinder ...” in lines 1-3. Later, the claims recite “the bearing eye surface (3)” in lines 4-5. This limitation is confusing, since it is not necessarily clear that initially the “bearing eye surface” is circular and *then* coated to form a surface running surface deviating from a circular cylinder. Perhaps the limitation in lines 1-3 should read “a workpiece (1) having at least one bearing eye (2), which has a [on whose] circular cylindrical bearing eye surface (3), onto which an anti-friction coating (4) is deposited, [which forms] forming a running surface deviating from a circular cylinder.” This resolves the ambiguity with regards to the later limitation noted above.

Claim 4 recites the limitation “screens (11)” in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

5. Claims 1-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a method (and device) for producing a bearing eye, wherein the bearing eyes surface is initially (processed) as a circular cylinder, and then is galvanically coated to form a running surface deviating from a circular cylinder, in combination with the other claimed subject matter.
7. Applicant's characterization of the prior art is pertinent.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 61-013016 discloses plating a coating onto the bearing eye surface. However, the reference does not teach or suggest the running surface deviating from a circular cylinder.

DE 19911339 discloses a bearing eye having a running surface bearing (3) deviating from a circular cylinder. However, the reference is silent to how to form the bearing.

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U.S. Pat. 2,048,578 discloses placing an anode into a bore to form a hard wearing surface. However, the reference does not teach or suggest forming a bearing surface deviating from a circular cylinder.

U.S. Pat. 2,929,769 discloses placing an anode into a gun barrel to form a hard wear surface deviating from a circular cylinder. However, the reference does not teach or suggest adapting the technology to form a bearing eye.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (571) 272-4527. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eric B. Compton  
Primary Examiner  
Art Unit 3726

ebc